

Article - Criminal Law

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§5–608.

(a) Except as otherwise provided in this section, a person who violates a provision of §§ 5–602 through 5–606 of this subtitle with respect to a Schedule I or Schedule II narcotic drug is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding \$15,000 or both.

(b) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to imprisonment not exceeding 20 years or a fine not exceeding \$15,000 or both if the person previously has been convicted once:

(1) under subsection (a) of this section or § 5–609 of this subtitle;

(2) of conspiracy to commit a crime included in subsection (a) of this section or § 5–609 of this subtitle; or

(3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if committed in this State.

(c) (1) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to imprisonment not exceeding 25 years or a fine not exceeding \$25,000 or both if the person previously:

(i) has served at least one term of confinement of at least 180 days in a correctional institution as a result of a conviction:

1. under subsection (a) of this section or § 5–609 or § 5–614 of this subtitle;

2. of conspiracy to commit a crime included in subsection (a) of this section or § 5–609 of this subtitle; or

3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if committed in this State; and

(ii) has been convicted twice, if the convictions arise from separate occasions:

1. under subsection (a) of this section or § 5–609 of this subtitle;

2. of conspiracy to commit a crime included in subsection (a) of this section or § 5–609 of this subtitle;

3. of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if committed in this State; or

4. of any combination of these crimes.

(2) A separate occasion is one in which the second or succeeding crime is committed after there has been a charging document filed for the preceding crime.

(d) A person who is convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is subject to imprisonment not exceeding 40 years or a fine not exceeding \$25,000 or both if the person previously has served three or more separate terms of confinement as a result of three or more separate convictions:

(1) under subsection (a) of this section or § 5–609 of this subtitle;

(2) of conspiracy to commit a crime included in subsection (a) of this section or § 5–609 of this subtitle;

(3) of a crime under the laws of another state or the United States that would be a crime included in subsection (a) of this section or § 5–609 of this subtitle if committed in this State; or

(4) of any combination of these crimes.

(e) A person convicted under subsection (a) of this section or of conspiracy to commit a crime included in subsection (a) of this section is not prohibited from participating in a drug treatment program under § 8–507 of the Health – General Article because of the length of the sentence.

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